

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**
(PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION

See paragraph 2 below

International application No.
PCT/IB2004/051287

International filing date (day/month/year)
26.07.2004

Priority date (day/month/year)
30.07.2003

International Patent Classification (IPC) or both national classification and IPC
G11B27/32, G11B20/12

Applicant
KONINKLIJKE PHILIPS ELECTRONICS N.V.

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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WRITTEN OPINION OF THE
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Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - a sequence listing
 - table(s) related to the sequence listing
 - b. format of material:
 - in written format
 - in computer readable form
 - c. time of filing/furnishing:
 - contained in the international application as filed.
 - filed together with the international application in computer readable form.
 - furnished subsequently to this Authority for the purposes of search.
3. In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or
industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes:	Claims 3,6,5,6,8-15
	No:	Claims 1,2,4,7
Inventive step (IS)	Yes:	Claims
	No:	Claims 1-15
Industrial applicability (IA)	Yes:	Claims 1-15
	No:	Claims

2. Citations and explanations

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

Re Item V.

- 1 The following documents are referred to in this communication:
D1: US 6 396 784 B1 (WANG HUNG-MIN ET AL) 28 May 2002 (2002-05-28)
D2: EP 1 205 917 A (PIONEER CORP) 15 May 2002 (2002-05-15)

2 INDEPENDENT CLAIM 1

- 2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of **independent claim 1** is not new in the sense of Article 33(2) PCT. Document D1 discloses (the references in parenthesis applying to this document):

A method for providing data in a layered storage medium (translucent and reflective CD layers) comprising the steps of:

- providing at least one set of content data for storage in at least one layer of the storage medium (column 1, line 47),
- providing, for each layer, identifying data corresponding to a set of content data (column 2, lines 65-67), of which at least parts is to be provided in the layer, which identifying data comprises a content identifier that is common for and indicative of that whole set of content data (column 3, lines 19-21), and
- storing content data together with corresponding identifying data in each layer of the storage medium (column 1, line 47), such that each layer having content data belonging to the same set has the same content identifier (column 3, line 19).

- 2.2 Furthermore, the present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of **dependent claims 2, 4, and 7** is not new in the sense of Article 33(2) PCT.
- 2.3 D1 discloses a content identifier for a single-layer CD, hence the layer identifier is implicit. Moreover, column 4, lines 48 and 49 state that the compact disk identifying code is stored in the INFO.VCD file in the first track of the audio compact disk title. Also, the compact disk identifying code is a content number indicative of the whole content.

2.4 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of **dependent claims 3, 5, 6, and 8** does not involve an inventive step in the sense of Article 33(3) PCT.

2.5 The difference between D1 and the subject-matter of claims 3, 5, 6, and 8 is that D1 does not disclose content identifying codes for disks with more than one storage layer. Given the objective problem of uniquely identifying the content in every storage layer in multilayer disks, the skilled person would hence consult prior art concerning multilayer disks such as document D2. D2 discloses a control information block containing data such as disk type, read/write information, medium reflectivity etc. on every layer of a multilayer optical storage disk (D2, Par. 2, 4, 6, 39). Moreover, these blocks are arranged in a predetermined way to facilitate fast reading of all blocks once the layers have been assembled. The combination of the content identifiers of D1 with the multilayer control information blocks of D2 yields the subject-matter of claims 3, 5, 6, and 8.

2.6 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of **independent claims 9-12 and 15, and dependent claims 13 and 14** does not involve an inventive step in the sense of Article 33(3) PCT.

2.7 Neither the subject-matter describing a production device for producing a multilayer disk with multiple content identifiers, nor the storage disk itself, nor the signal recorded on this disk contain an inventive step in the light of the arguments presented in the previous paragraphs. Moreover, once a content identifier is provided on such a disk, it is immediately clear how to read the identifier and compare it with table entries in order to identify and eliminate faulty disks.

Re Item VIII.

3 The application does not meet the requirements of Article 6 PCT, because **claims 1, 9-12 and 15** are not clear.

3.1 It is not clear what the term "layered storage medium" means. This term could denote holographic storage, a stack of magnetic disks in a hard drive, or even a book.

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AUTHORITY (SEPARATE SHEET)**

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Moreover, the layers could refer to logical layers such as RAM memory organized in banks, all of which is not supported by the description.